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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

STEVEN HIRALDO,

Chapter 7
Case No. 22-11623

Debtor.

-----X

RAUL MATOS,

Plaintiff,

-against-

Adv. Proc. No. 23-01011

STEVEN HIRALDO,

Defendant.

-----X

**STATEMENT PURSUANT TO LOCAL RULE 7056-1
OF MATERIAL FACTS AS TO WHICH PLAINTIFF
CONTENDS THERE IS NO GENUINE ISSUE TO BE TRIED**

Raul Matos, (“Plaintiff”) Plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”) against Steven Hiraldo (“Debtor”), by his attorneys, Giuliano Law, PC, in support of his motion for summary judgment, submits this statement pursuant to E.D.N.Y. LBR 7056-1 of material facts as to which the Trustee contends there is no genuine issue to be tried.

1. On December 25, 2014, in front of 161 West 108th Street, New York, New York, Defendant Hiraldo, attacked Matos, striking him on the left side of his face.

Exhibit "A" – Arrest Report with Desk Appearance Ticket.

2. The Debtor is a trained martial artist, a black belt in Karate. Exhibit "B" – State Court trial transcript pp. 120.

3. As he was falling, Hiraldo continued to strike Matos. Matos fell and became unconscious. Exhibit "B" – State Court trial transcript pp. 52-53.

4. Matos was later admitted to the hospital, where X-rays revealed that he had sustained three fractures. Two fractures on the left side of his face and one on the right. Exhibit "B" – State Court trial transcript pp. 58-60 and 104. The Plaintiff also has medical records to establish this fact and can provide them to the Court for *in camera* review.

5. As a result of his injuries, Matos underwent surgery where a metal plate and screws were utilized to hold the bones of his jaw together. Exhibit "B" – State Court trial transcript pp. 58-60.

6. The Debtor admitted to punching the Plaintiff Exhibit "B" – State Court trial transcript p. 112.

7. Hiraldo was arrested and charged with a violation of New York Penal Law 120.00 (Assault in the Third Degree). Exhibit "A" – Desk Appearance Ticket.

8. Hiraldo pled guilty to a misdemeanor but was later permitted to replead to disorderly conduct after completing community service, paying restitution, and having no new arrests. Exhibit "C" – Transcript of State Court Plea Hearing pp. 2-3.

9. On February 3, 2017, Matos filed an action in the Supreme Court of the State of New York, County of New York, captioned Raul Matos v. Stephen Hiraldo,

Index No. 151150/2017 (the “State Court Action”), in which recovery of damages for personal injury was sought as a result of Hiraldo attacking and beating Matos. Exhibit “D” – State Court Complaint.

10. The Debtor alleged, inter alia, that his actions were self-defense. Exhibit “E” – State Court Answer.

11. A jury trial was held in the State Court Action on September 23, 24, and 27th of 2021. Exhibit “F” – County Clerk Verdict Certification.

12. The Jury found that the Debtor was not acting in self-defense. Exhibit “G” - Jury Verdict Sheet, Exhibit “B” – State Court trial transcript pp. 182-184

13. The Jury found that the Debtor committed battery against the Plaintiff. Exhibit “G” - Jury Verdict Sheet

14. The Jury found that the Debtor’s actions were a substantial cause of injury to the Plaintiff. Exhibit “G” - Jury Verdict Sheet

15. On October 25, 2021, a judgment was entered against the Debtor in the amount of \$127,013.01 in connection with the State Court Action. Exhibit “H” – Judgment.

16. On February 13, 2023, the Plaintiff filed the instant action seeking to determine that the debt owed to him by the Debtor is nondischargeable pursuant 11 U.S.C. §523(a)(6). Exhibit “I” – Adversary Complaint.

17. On April 6, 2023, the Debtor filed an answer denying the substantive allegations of the complaint. Exhibit “J” – Amended Answer.

Dated: Melville, New York
October 27, 2023

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